THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.8407 OF 2007

DATED: 20-04-2007

BETWEEN

Dakarapu Maha Lakshmi,
W/o. Satyanarayana,
R/o. Dosapadu,
Denduluru Mandal,
West Godavari District.

...PETITIONER

AND

The Special Deputy Collector,
Tribal Welfare, K.R. Puram and
another.

...RESPONDENTS

ORDER:

Learned counsel for the petitioner submits that the petitioner is the daughter of Maganti Chandraiah and Maganti Gangajalam.

The petitioner and her mother filed claim petition in S.R.No.75 of 1993 (Reg.2/79) before the Settlement Officer, Kovvur for grant of Ryotwari Patta in respect of the land in an extent of 5.68 Hectares in Sy.No.666/2, Buttaigudem Village and Mandal, West Godavari District, which was allowed by order dated 27.06.1997 and patta was granted in favour of petitioner.

2. Learned counsel for the petitioner further submits that on a complaint initiated by the Special Deputy Tahsildar, Tribal Welfare,

No. I R.K. Puram against the petitioner, the Special Deputy Collector, Tribal Welfare, K.R. Puram, has taken up a case in S.R.No.90 of 1996, wherein it was held that the possession of the petitioner is not in violation of Andhra

Pradesh Scheduled Areas Land Transfer Regulation 1 of 1959 (for short 'the Regulations') as amended by Regulation 1 of 1970 in respect of the said land of 5.68 Hectares, which is equivalent to Ac.14.56 cents, situated in Sy.No.666/2 of Buttaigudem village.

In spite of the aforesaid orders the respondents have measured the land of the petitioner and taking steps to dispossess the petitioner.

3. I am of the opinion that without initiating any action under the said Regulations, the respondents cannot interfere with the peaceful possession and enjoyment of the petitioner in respect of the said land.

4. Having regard to the facts and circumstances of the case,

the respondents are directed not to interfere with the peaceful possession and enjoyment of the petitioner and not to evict her from the said land in Sy.No.666/2 in an extent of Ac.14.56 cents without following due process of law.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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V. ESWARAIAH, J

April 20, 2007

Note: Issue wire at party's costs on 23.04.2007

(**B/o**)

DSK